GOVERNMENT OF INDIA
URBAN DEVELOPMENT AND POVERTY ALLEVATION
LOK SABHA

UNSTARRED QUESTION NO:5393
ANSWERED ON:30.04.2002
COMMERCIAL USE OF BUILDINGS IN RESIDENTIAL AREAS
ARUN KUMAR

Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVATION be pleased to state:

(a): whether the Supreme Court on February 20, 2002 hasasked the Union Government to file an affidavit detailingthe number of houses with 12.5 metres height in MCD areas;

(b): if so, the details thereof;

(c): whether the court also directed MCD tofile an affidavit detailing action it intended to take for stopping use of buildings in the Capital`s residential areas for commercial purposes;

(d): if so, whether the Centre and the MCD have filed necessary affidavits;

(e): if so, the details thereof;

(f): the definition of commercial activities;

(g): whether running of an office in residential houses come under the purview of that definition;

(h): if so, the details thereof;

(i): whether the Government have converted cycle/scooter/car stands in Government buildings for commercial purposes etc.; and

(j): if so, the justification thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT & POVERTY ALLEVIATION (SHRI BAN DATTATREYA)

(a)to(e): Yes, Sir. The Hon`ble Supreme Court of India had on 20.2.2002, asked Union of India to file an affidavit, indicating the number of residential buildings(or those buildings whose plans were passed for residential purposes even if they were being used for commercial purposes) that exist in the MCD area where the total beight was in excess of 12.5 metres.

MCDwas also directed to file an affidavit indicating as to action it intended to take for stopping the misuse of the buildings in the residential areas which were being used for commercial purposes.

In response to the directions of the Hon`ble Supreme Court, the Union of India has filed its submissions based on sample survey done by MCD.The MCD had also filed its affidavit onmisuse of residential properties detailing provisions of Delhi Municipal Corporation Act and action taken by it under these provisions in its area from time to time, particularly 1.1.2000 to 28.2.2002.

(f)to(h): The activities that relate to trade and business are called commercial activities.

The Master Plan of Delhi-2001 & Zonal Planallow some shops in residential area under the mixed use policy, subject to certain stipulations wherein certain types of shops are not permitted/are excluded. In the approved zonal plans, mixed land use streets have been identified where activities other than residential have been permitted.

As per Government`s Notification dated 23.7.1998 professional activity has been allowed in residential plots and flats on any floor on the condition that part of the premises shall be permitted to be used upto a maximum of 5% of FAR or 100 sq.metres, whichever is less, for non-residential but non nuisance activities for rendering service based on professional skills.

(i)&(j): No, Sir. As per provisions of the Allotment of Government Residence (General Pool in Delhi) Rules, 1963 (SR-317-B-21), an official to whom a residence has been allotted cannot use the residence or any portion thereof for any purpose other than that for which it is meant.